

Introduced by Senator Speier

February 21, 2003

An act to add Article 5 (commencing with Section 110424.10) to Chapter 4 of Part 5 of Division 104 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

SB 779, as introduced, Speier. Dietary supplements: manufactures and distributors: adverse event reports and consumer complaints.

Existing law, the Sherman Food, Drug and Cosmetics Law, provides for the regulation of various subjects relating to the processing, labeling, advertising, and sale of food, drugs, and cosmetics, as defined, including dietary supplements, under the administration of the State Department of Health Services. A violation of these provisions is a crime.

This bill would require a manufacturer or distributor of a dietary supplement, as defined, to send to the department 4 times a year a copy of all adverse event reports and consumer health complaints received relating to the dietary supplements that are manufactured or distributed by that manufacturer or distributor. The bill would authorize the department to charge a fee to cover the cost of reviewing these materials. The bill would require the fees collected to be deposited in the Dietary Supplement Consumer Complaint Fund that would be created by the bill and moneys in the fund would be available, upon appropriation by the Legislature, to the department to implement the bill.

This bill would create a new crime, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Article 5 (commencing with Section
2 110424.10) is added to Chapter 4 of Part 5 of Division 104 of the
3 Health and Safety Code, to read:

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5 Article 5. Dietary Supplements: Adverse Event Reports and
6 Consumer Complaints

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8 110424.10. (a) A manufacturer and a distributor of a dietary
9 supplement shall send to the department on a quarterly basis a copy
10 of adverse event reports and consumer health complaints received
11 relating to the dietary supplements that are manufactured or
12 distributed by that manufacturer or distributor.

13 (b) (1) The department may charge a fee to cover the cost of
14 reviewing materials submitted pursuant to subdivision (a).

15 (2) The fees collected by the department shall be deposited in
16 the Dietary Supplement Consumer Complaint Fund which is
17 hereby created. Moneys in the fund shall be available, upon
18 appropriation by the Legislature, for expenditure by the
19 department for purposes of implementing this section.

20 (c) For purposes of this article, dietary supplement has the same
21 meaning as defined pursuant to Section 321(ff) of Title 21 of the
22 United States Code.

23 SEC. 2. No reimbursement is required by this act pursuant to
24 Section 6 of Article XIII B of the California Constitution because
25 the only costs that may be incurred by a local agency or school
26 district will be incurred because this act creates a new crime or
27 infraction, eliminates a crime or infraction, or changes the penalty
28 for a crime or infraction, within the meaning of Section 17556 of
29 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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